

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. patent application of:)	
)	Before the Examiner
James B. Kuykendall, et al.)	
)	Olabode Akintola
Serial No. 09/929,460)	
)	Group Art Unit 3691
Filed August 14, 2001)	
)	Confirmation No. 9057
SYSTEM AND METHOD FOR PUSH-)	
MODEL FUND TRANSFERS)	January 21, 2009

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer issued by the Examiner on November 18, 2008 in connection with the above-indicated application, a Reply Brief according to 37 CFR §41.41 is hereby provided. No fees are believed to be due; however, should any fees be deemed necessary, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 23-3030, but not to include issue fees.

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I. ARGUMENT

The rejections of the claims depend upon two premises: that the “electronic money” of Elgamal comprises actual, rather than virtual “funds,” as required by the claims, and that Elgamal discloses and enables transfers via push-model fund transfers. As discussed in Applicant’s earlier brief, neither of these premises is correct.

For example at column 7, Elgamal describes the “PG protocol,” and there is not so much as a hint that it could support transactions by means other than drawing down the virtual funds (i.e. credits with the PG’s operator) stored in the “EMA” (electronic money account). Indeed, real funds are not even transferred directly to the PG; rather, electronic money is credited to the PG’s EMA. Furthermore, this is a key design feature that permits Elgamal to serve its intended function of providing for efficient microtransactions, because it permits them to be aggregated, rather than having to make a separate transaction through the banking system for every microtransaction. (“...for each transaction, e.g. a sales transaction or other transfer of funds, there are at least two aggregations...” col. 8, ll. 2-4). To modify Elgamal to remove this feature would be to render it unsuitable for its intended purpose. Consequently, Elgamal does not support either the rejections under § 102 or § 103. *See* MPEP § 2143.01(V).

For the same reason, Elgamal does not use push-model fund transfers—doing so would defeat the purpose of aggregating microtransactions.

Conversely, in view of the prosecution history, there could be no doubt that the claims are limited to systems in which the transactions are push-model transfers of actual funds—not merely an extension of debits and credits by a private entity, as in Elgamal. The claims were amended to recite the additional limitation of the push-model fund transfer specifically to overcome rejection of the claims over Elgamal. *See* Response to Office Action, May 17, 2007.

There is, therefore, no danger that allowing the claims as now written would permit Applicant to capture subject matter taught by Elgamal.

Applicant therefore respectfully submits that the claims should be allowed.

II. CONCLUSION

Applicant respectfully requests reconsideration and the issuance of a timely Notice of Allowance for the pending claims. If the Examiner believes that there are any matters that can be resolved by a telephonic interview, the undersigned would welcome a telephone call.

Respectfully submitted:

/Quentin G. Cantrell/

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